

REMARKS

Reconsideration of the above-referenced application is respectfully requested in view of the above amendments and these remarks. Claims 1-2 and 11-12 are currently pending.

According to the Office Action, claims 1-2 and 11-12 are rejected under 35 U.S.C. § 103(e) as being unpatentable over United States Patent No. 7,003,298 to Jagadeesan et al. in view of United States Patent No. 6,138,030 to Coombes et al. Applicants have carefully reviewed the cited reference and the comments recited in the Office Action. Applicants have amended independent claims 1 and 11 to clarify the claimed invention and respectfully traverse the rejection. Applicants have previously described the claimed invention and the Jagadeesan and those comments are incorporated here and continued. As stated, both the claimed wireless communication unit and the network switch include a controller that **manages and** retrieves an on-hold call on the first communication network after the wireless communication unit is handed out from the first communication network to the second communication network. The on-hold call is managed and retrieved via a call leg established to support the on-hold call while the wireless communication unit is operating in the second communication network. In other words, the wireless communication unit is able to access and manage a call that is maintained on the first network while the wireless communication unit is connected to the second network. This feature is claimed according to the following limitation:

a controller arranged to control and cooperatively operate with the transceiver **to manage and retrieve an on-hold call on the first communication network** after a handout of the wireless communication unit from the first communication to the second communication network **via a call leg** established to support the on-hold call **while the wireless communication unit is operating in the second communication network.**

Applicants amendment to the independent claims clarify that the on-hold call is managed and retrieved on the first communication network and while the wireless communication unit is operating in the second communication network.

As found in the claims, the present invention is for an on-hold call which remains on the first communication unit. Moreover, the on-hold call is managed on the first communication network by a call leg while the wireless communication unit is operating in the second communication network. In other words, the call leg maintains a connection to the first communication network when the wireless communication network is in the second communication network. This call leg's purpose is to support the on-hold call in the first communication.

Jagadeesan is directed to devices, software methods that hand off a live call from an original leg of a first modality (such as a Circuit Switched Voice) to an alternate leg of another modality (such as Voice over Intent Protocol.) Coombes is directed to a communications system infrastructure that is provided with a hold processor. If a mobile subscriber unit is actively engaged in a first communication service, such as a telephone interconnect call, and desires to use a second communication service, such as making or responding to a dispatch call, the mobile subscriber unit request the first service to be held. The base station controller then switches the first service to the hold server, which in turn generates an identifier for transmittal to the mobile subscriber unit for storage and call retrieval at a later time.

According to the Office Action, column 4, lines 5-32 and column 6, lines 12-26 of Coombes is cited for a "controller cooperatively with the transceiver to be operable to one of disconnect and place on-hold an active call over the call leg and then connect the on-hold call, where the on-hold call is coupled from the first communication network to the wireless communication unit via the second communication network over the call leg." Applicants respectfully traverse this interpretation of Coombes and that it discloses, teaches or otherwise suggest the claimed limitation. According to the Coombes and the cited section, Coombes discloses and suggest to one of ordinary skill in the art that a call that is on hold in a first communication network is maintained on the first communication network, is retrieved by the hold processor and transfers the held call to the second communication network. In particular, Coombes states "If the mobile subscriber unit was engaged in communication while the telephone call was being held, there will have already been a handover to the new serving cell equipment." See column 4, lines 7-10. This suggests that the held call is handed over to the second communication network.

Coombes continues, “To complete the handover, the new serving cell transceiver site equipment, referred to as the target cell, transmits the request to its serving base site controller. The base site controller retrieves the held call from the hold server, and re-establishes the call on a new channel with the mobile subscriber unit.” See column 4, lines 10-15. This also suggests that the held call is now on the second communication network, e.g. the target cell. Moreover, the call is retrieved from the hold server and re-established. The claimed invention, however, does not retrieve from a hold server or re-establish the call on the second communication network. The claimed invention manages and retrieves the call on the first communication network.

In addition, Coombes states “The infrastructure equipment will then switch the held call to a new hold entity if necessary. Subsequently, the equipment will monitor for a request to re-establish the call. . . . Once the request to re-establish is received, the present serving base site controller switches the held call form [sic] the holding entity, to the appropriate transceiver site, where it is re-established.” See Column 6, lines 18-26. Once again, Coombes discloses and suggests that the held call is transferred from the first communication network to the hold processor and then to the second communication network. This is unlike the claimed invention.

Accordingly, it is respectfully submitted that the combination of Jagadeesan and Coombes fails to disclose the limitations of the present invention that requires a call leg to be between a first communication network and a second communication network that allows an on-hold call be managed and retrieved on the first network from a wireless communication network on the second network. Jagadeesan discloses an inter-network handoff of a call from a first communication network to a second communication network. Coombes discloses an intra-network hand-off of a held call from a first cell site to a second cell site. The claimed invention, on the other hand, allows for a call to be maintained on the first network and managed and retrieved from the second network over a call leg. This allows feature parity across two different networks which have different signaling, protocols and interfaces for their networks.

In view of the foregoing, Applicants therefore respectfully submit that the present invention as expressed in independent claims 1 and 11 is patentable and non-obvious over the cited combination. As claim 2 depends on claim 1 and claim 12 depends on

Serial No. 10/727,433
Belkin et al
Case No. CE10865R

claim 11, Applicants also submit that these dependent claims are patentable over Jagadeesan and Coombes for the same reasons. Applicants request that the rejection under Section 103(a) be withdrawn.

As the Applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the Applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the Applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Please charge any fees associated herewith, including extension of time fees, to **50-2117**.

Respectfully submitted,
Belkin, Anatoly S. et al.

SEND CORRESPONDENCE TO:

Motorola, Inc.
Law Department
Customer Number: **22917**

By: Simon B. Anolick
Simon B. Anolick
Attorney for Applicant
Registration No.: 37,585
Telephone: 847-576-4234
Fax: 847-576-3750